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RESOLUTION NO. 05-419

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTING PAVEMENT ON MAINSGATE FROM THE SOUTH LINE OF LOT 7, BLOCK C, NORTH AND EAST TO THE WEST LINE OF EAGLE, ON WAWONA, FROM THE NORTH LINE OF MAINSGATE, NORTH TO THE NORTH LINE OF THE PLAT, AND ON EAGLE FROM THE NORTH LINE OF LOT 11, BLOCK G, NORTH TO THE SOUTH LINE OF MAINSGATE AND ON MAINSGATE CT. FROM THE NORTH LINE OF MAINSGATE, NORTH TO AND INCLUDING THE CUL-DE-SAC AND THAT SIDEWALK BE CONSTRUCTED ALONG ONE SIDE OF MAINSGATE, WAWONA, AND EAGLE (NORTH OF 21ST, WEST OF 127TH ST. EAST) 472-83485 IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF CONSTRUCTING PAVEMENT ON MAINSGATE FROM THE SOUTH LINE OF LOT 7, BLOCK C, NORTH AND EAST TO THE WEST LINE OF EAGLE, ON WAWONA, FROM THE NORTH LINE OF MAINSGATE, NORTH TO THE NORTH LINE OF THE PLAT, AND ON EAGLE FROM THE NORTH LINE OF LOT 11, BLOCK G, NORTH TO THE SOUTH LINE OF MAINSGATE AND ON MAINSGATE CT. FROM THE NORTH LINE OF MAINSGATE, NORTH TO AND INCLUDING THE CUL-DE-SAC AND THAT SIDEWALK BE CONSTRUCTED ALONG ONE SIDE OF MAINSGATE, WAWONA, AND EAGLE (NORTH OF 21ST, WEST OF 127TH ST. EAST) 472-83485 IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That Resolution No. 02-102 adopted on February 5, 2002, is hereby rescinded.

SECTION 2. That it is necessary and in the public interest to construct pavement on Mainsgate from the south line of Lot 7, Block C, north and east to the west line of Eagle, on Wawona, from the north line of Mainsgate, north to the north line of the plat, and on Eagle from the north line of Lot 11, Block G, north to the south line of Mainsgate and on Mainsgate Ct. from the north line of Mainsgate, north to and including the cul-de-sac and that sidewalk be constructed along one side of Mainsgate, Wawona, and Eagle (north of 21st, west of 127th St. East) 472-83485.

Said pavement shall be constructed of the material in accordance with plans and specifications provided by the City Engineer.

SECTION 3. That the cost of said improvements provided for in Section 1 hereof is estimated to be **Three Hundred Seventeen Thousand Dollars (\$317,000)** exclusive of the cost of interest on borrowed money, with 100 percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month

from and after **July 1, 2005**, exclusive of the costs of temporary financing.

SECTION 4. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

THE FAIRMONT ADDITION

Lots 6 through 17, Block B

Lots 1 through 7, Block C

Lots 1 through 17, Block D

Lots 12 and 13, Block G

SECTION 5. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a **fractional** basis:

That the method of assessment of all costs of the improvement for which the improvement district shall be liable shall be on a fractional basis: Lots 6 through 17, Block B, Lots 1 through 7, Block C, Lots 1 through 17, Block D, and Lots 12 and 13, Block G, THE FAIRMONT ADDITION shall each pay 1/38 of the total project cost.

Except when driveways are requested to serve a particular tract, lot, or parcel, the cost of said driveway shall be in addition to the assessment to said tract, lot, or parcel and shall be in addition to the assessment for other improvements. Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 6. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 7. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 8. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq. as amended.

SECTION 9. Be it further resolved that the above-described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 10. That the City Clerk shall make proper publication of this resolution, which

shall be published once in the official City paper and which shall be effective from and after said publication.

ADOPTED at Wichita, Kansas, August 9, 2005.

CARLOS MAYANS, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)